UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MICHAEL P. MORRIS
BOEHRINGER INGELHEIM CORPORATION
900 RIDGEBURY RD
P O BOX 368
RIDGEFIELD CT 06877-0368

COPY MAILED

JAN 3 1 2007

OFFICE OF PETITIONS

In re Application of   :
Yeadon   :
Application No. 10/720,050   :   ON PETITION
Filed: November 19, 2003   :
Attorney Docket No. 1/1346   :

This is a decision on the petition under 37 CFR 1.181 to withdraw the holding of abandonment, filed December 8, 2004.

The petition to withdraw the holding of abandonment is **Granted** .

This above-identified application became abandoned for failure to file a response to a Notice to File Missing Parts mailed on February 24, 2004. The Notice to Missing Parts set an extendable two (2) month period for reply. No timely request for extension of time was obtained under the provisions of 37 CFR §1.136(a). Accordingly, this application became abandoned on April 24, 2004. A Notice of Abandonment was mailed on November 30, 2004.

Petitioner contends that a reply to the Notice of Missing Parts, was mailed on March 1, 2004. As evidence, petitioner has submitted a copy of the reply which contains a certificate of mailing dated March 1, 2004 pursuant to 37 CFR 1.8. The reply also contains a transmission status report.

The response submitted March 1, 2004 has not been located in the Office, however, in view of the evidence submitted, the response is deemed timely.
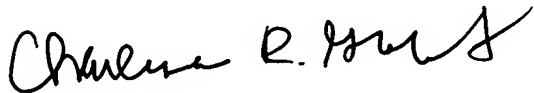

A review of the record shows that the record shows that the $130.00 surcharge has not

been charged. Accordingly, deposit account 02-2955 will be charged the fee.

The Notice of Abandonment is hereby <u>vacated</u> and the holding of abandonment is <u>withdrawn</u>.

This application is being forwarded to the Office of Initial Patent Examination for further processing

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3215.

Charlema R. Grant
Petitions Attorney
Office of Petitions